

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ORDER

Before the Court is William Harris's motion to dismiss ("Motion"). (Doc. 4.) According to the Motion, Petitioner Harris sent a pro se motion to the Court seeking relief under 18 U.S.C. § 3582. In an abundance of caution, the pro se pleading was filed both as a motion for sentence reduction pursuant to 18 U.S.C. § 3582 and a motion to vacate pursuant to 28 U.S.C. § 2255.

The Motion indicates counsel for Petitioner has corresponded with Petitioner, who advises that he did not intend for his pro se pleading to be treated as a motion filed under 28 U.S.C. § 2255. Counsel was appointed to represent Petitioner on the 28 U.S.C. § 2255 action.

Conclusion

Because it was not Petitioner's intention to pursue a 28 U.S.C. § 2255 action, the Court **GRANTS without prejudice** the motion to dismiss the pending case (Doc. 4).

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: May 28, 2021